

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASPER WASHINGTON,

Petitioner,

v.

RANDALL E. BRITTON, et al.,

Respondents.

CIVIL ACTION

No. 09-1750

MEMORANDUM

On April 23, 2009, petitioner filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. The petition was unsigned; as such, on May 7, 2009, this court ordered petitioner to execute and return the signature page of the petition within thirty days. Petitioner returned the signed page on May 18, 2009. Review of the petition demonstrates that petitioner seeks to attack his February 2002 conviction for offenses including involuntary deviate sexual intercourse.

Petitioner has previously filed two petitions for habeas corpus seeking collateral relief from the same convictions. This court denied and dismissed the first petition, filed in No. 05-cv-6643, on its merits. The second petition, filed in No. 08-cv-4723, was dismissed for lack of subject matter jurisdiction, and the Third Circuit declined to issue a certificate of appealability.

Pursuant to 28 U.S.C. § 2244(b)(3)(A), this court is not permitted to consider second or successive habeas petitions without prior approval of the court

of appeals. Petitioner has not sought an order from the Third Circuit allowing this court to consider the petition. Accordingly, this court lacks subject matter jurisdiction over the petition. An appropriate order follows.

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ORDER

AND NOW, this 24th day of September, 2009, it appearing that petitioner filed a successive petition for a writ of habeas corpus, **IT IS HEREBY ORDERED** that the petition is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

/s/Louis H. Pollak
Pollak, J.